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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 1325 OF 2006

Kedarchand Agarwal and Ors. .. Petitioners

Versus

Railway Board and anr. .. Respondents

Mr. Mohan Bir Singh for Petitioner.

Mr.Suersh Kumar for R. Nos. 1 and 2.

CORAM: F.I. REBELLO &
ANOOP V. MOHTA,JJ.
DATED: DECEMBER 12, 2006

P.C.:

. Rule. Heard forthwith.

. By the order of this court dated 19.4.2002 in Writ Petition No. 1582 of 2001 under Direction No. 2, Respondent No. 5 was directed to take decision after hearing the Petitioners or their representative. As there was no compliance of that order, the Petitioners came to this court by subsequent Petition being W.P. No. 1832 of 2004 and by order of 10.3.2005 we had issued certain directions. This order was clarified by order dated 25th April, 2005 in Review Petition (L) No. 22 of 2005.

. It is brought to our notice by the Petitioners that inspite of clear directions of this court, the

matter was not heard by the Full Board but only by one member and this is clearly contrary to the decision of this court. The impugned order dated 1.12.2005 it is submitted is liable to be set aside.

. Prima facie the members of the Board are in contempt. The order of this court was that the Petitioenrs be given hearing either by himself or through their representatives. What the Board has done is to give hearing by one member and then the Board has taken a decision. This is not, what was ordered by this court. The impugned order dated 1.12.2005 is therefore, set aside. We direct the Board to comply with the directions of this court by giving Petitioners or his representative a full hearing as ordered by the order of this court dated 19.4.2002.

. The entire exercise to be completed within twelve weeks from today. Rule made absolute accordingly.

(ANOOP V. MOHTA,J.) **(F.I.REBELLO, J.)**